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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
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11 HENRY J. WARD,

3:05-cv-00102-HDM-VPC

12 Plaintiff,

13 vs.

ORDER ADOPTING
MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

14 JACKIE CRAWFORD, *et al.*,

15 Defendants.
16 _____/

17 The court has considered the report and recommendation of the
18 United States Magistrate Judge (#78) filed on July 10, 2007, in
19 which the Magistrate Judge recommends that this court enter an
20 order granting defendant's motion to dismiss (#67).

21 The court has considered the pleadings and memoranda of the
22 parties and other relevant matters of record and has made a review
23 and determination in accordance with the requirements of 28 U.S.C.
24 § 636.

25 While the court is troubled by the fact that defendants
26 denied the 12-15-03/1559 grievance as duplicative of a previously


1 filed grievance in error, plaintiff was required to appeal that
2 determination through the administrative process. Plaintiff failed
3 to do so. The court must therefore dismiss this action for failure
4 to exhaust administrative remedies pursuant to the Prison
5 Litigation Reform Act of 1996, 42 U.S.C. § 1997e.

6 Accordingly, the court ADOPTS AND ACCEPTS the report and
7 recommendation of the United States Magistrate Judge (#78).

8 The defendants' motion to dismiss (#67) is GRANTED.

9 It is so ORDERED.

10 Dated this 7th day of August, 2007.

11 

12 UNITED STATES DISTRICT JUDGE